

The Extradition Case—Great Excitement—Passive Resistance—The Decision in consequence Deferred.

ball's office, and thus to hear the decision of Mr. Commissioner Brigham in the case of Thomas Kane, claimed by the British authorities under the extradition treaty, for having attempted to kill by shooting at, one Balfe, a farmer in the county of Westmeath, Ireland. Amongst the crowd, which amounted to over two hundred persons and yet very peaceable, were the "well-branded self-defence" men, Yankee Sullivan, and several other Irishmen. Resistance to the laws was apprehended, and, though every precaution for the maintenance of these laws was adopted by Marshal Talmadge, the crowd remained for some time. Before 12 o'clock the Marshal dispatched two of his deputies in a carriage to the Tomb, where the crowd was also very great, several hundred persons being there. No occasion did the officers alight than the coachman was ordered by the leaders of those present to drive off and as the deputies saw that resistance of a rescue was probable, they returned to the city. The crowd remained for some time, but had occurred. Previous to this, however, Mr. Richards, Boston and Mr. B. Emmett, Jr., the counsel for Kane, had been arrested, and the latter was taken to the city, and particularly Yankee Sullivan, who they said that no matter what the decision was, the law should be enforced. The crowd then dispersed, and the Marshal, with the necessary documents to go out, a *habeas corpus*, but if there was the slightest resistance or manifestation of tumult or disorder they would abstain from the exercise of their duty. The Marshal also said that he had been counsel that there was no intention on the part of the people assembled to resort to violence, they were there to see the trial, and that he was not at all disposed to take the case of their friend and fellow countryman who was sought to be made the victim of bad laws and oppressive measures. However, as the present members of the party were not disposed to take a chance of going back, and that no matter if the President himself signed the warrant for his return, he should never leave the city, the military in New York could not take him out of it.

He said—The honor, Thos. Kane has been arrested by the British authorities on the requisition and complaint of Anthony Barclay Esq., of the British Consulate at the port of New York, for the crime of an assault, with intent to commit murder, within the domains of the British Empire, and that the British Government has issued in conformity with the stipulations of the treaty between the United States and Great Britain of August 22, 1842, a warrant for his arrest, and that he is now in custody of the British authorities. It is agreed that the United States and her Britannic Majesty shall, upon mutual requisitions by them or their agents, in conformity with the provisions of the said treaty, deliver up to justice all persons who being charged with the crime of murder or assault with intent to commit murder, or with piracy, robbery, or forgery, or with the utterance of forged paper, shall be found guilty by the competent tribunal of either shall seek an asylum or shall be found guilty of any of the above offenses, provided that initial investigation shall have been made by the competent authorities of the country in which the offenses had been committed; and the respective judges and other magistrates of the two governments, shall be authorized to issue warrants for the apprehension of persons charged with the above offenses, and to make under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be taken into custody, and removed to the country to which he is respectively to be sent, that the evidence of criminality may be heard and considered, and if, on such hearing, the magistrate shall be satisfied that the charge, if true, shall be the duty of the examining judge, to issue a warrant for the removal to the proper executive authority, and that the same may be issued for the surrender of the fugitive.

the warrant, he said Meagher was produced before the Justice of the Peace at West-math, in Ireland, and he was acting constable of the Irish constabulary of the county of West-math, in Ireland, and had been such constable for several years; that he knew Thomas Keane, a person who was charged with the offence of being an outlaw, and that he had received as such constable, the warrant before mentioned, to execute against the prisoner, James Featherstonhaugh, the magistrate's order; that he knew said Featherstonhaugh to be a Justice of the Peace of the county of West-math, in Ireland; that he knew the said James Keane to be a Justice of the Peace of the county of West-math, in Ireland; that the latter's coat seemed to be burnt with powder; that there were shot marks on his left side; that the witness saw the prisoner, James Featherstonhaugh, being taken into custody, and that he saw the prisoner, James Featherstonhaugh, being taken into custody, and that on the same day the witness received the warrant against the prisoner, Meagher further testified that the order for his coming here on this duty came from the Crown Solicitor of the county of West-math, and that there was a reward of £50 offered by the government on the arrest of the prisoner, James Featherstonhaugh, and that the duty of the Commissioner in such cases is to inquire whether the evidence of the guilt of the person charged would justify his commitment for trial according to the provisions of the Statute in that behalf made, with the crime here. The examination and commitment of persons here charged with such offences are contained in the Statute in that behalf made, and in the Statute of New York 2 Rev. St. 793, chap. 2, and would be complied with in the examination and process by testimony from which the commitment of the prisoner, James Featherstonhaugh, would be justified, and that there was no probability, in his mind, that the prisoner, James Featherstonhaugh, had been committed, and that there was probability cause to believe the prisoner to have been guilty thereof. Probable cause is defined from a state of facts and circumstances, and the witness said that he was satisfied of the guilt (1 Burn's Trial 114, to 4 Cranch, R. 129; Barton's Crim. Law, 485, 492, 590, 4 Chitty's Crim. Law, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 81

On the 4th of November next, since Gen. George
 Jackson was made a Free and Accepted Mason, in
 Richmond Lodge, in Virginia. Several Grand Lodges,
 including the Grand Lodges of Tennessee, Michigan, Ver-
 mont and North Carolina, have recommended to the Ma-
 sonry under their respective jurisdiction, to ob-
 serve the 4th day of November next as a Masonic jubilee,
 and Lodges of the State of New York will also ob-
 serve it.